



## SOMEBODY HERE NEEDS YOU.

TO: Rep. Klint Kesto, Chair, Law & Justice Committee, and Members of the Law & Justice Committee

FROM: Ann M. Griffin, Esq., Special Projects Manager, Michigan Humane Society

RE: Public Testimony on HB 4332 and HB 4333

DATE: May 9, 2017

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**The Michigan Humane Society is testifying in support of HB 4332 and HB 4333.**

The Michigan Humane Society (MHS) thanks Rep. Tommy Brann for introducing HB 4332 and HB 4333. MHS also thanks Rep. Kesto and the Law & Justice Committee for taking testimony regarding these bills and for allowing MHS to share the following information in support of its position.

MHS is the largest and oldest animal welfare organization in the state with more than 200,000 constituents and supporters state wide. MHS works to improve and save lives through compassionate care, community engagement and advocacy for animals. MHS is a private, nonprofit organization and is not affiliated with any national humane organizations nor any local or regional humane societies or SPCAs.

**HB 4332 and HB 4333 are Needed to Strengthen Michigan's Anti-neglect Anti-cruelty Laws**

Currently, Michigan's statutes prohibiting animal neglect (MCL § 750.50) and animal cruelty (MCL § 750.50b) carry a maximum penalty of a felony conviction with punishment of up to four years in jail, fines, and/or community service. Courts need greater latitude to impose stronger sentences when the situation warrants it, and the possibility of stronger sentences will also send a message that such crimes will be taken seriously and thus may serve as a deterrent.

**HB 4332 and HB 4333 Will Give Law Enforcement, Prosecutors, and Judges the Tools They Need**

HB 4332 explicitly extends MCL § 750.50 and MCL § 750.50b to breeders and pet shop operators; enhances graduated penalties under those statutes based on the number of animals abused or neglected and/or the number of the defendant's prior convictions; creates a felony penalty for breeders and/or pet shop operators with five or more prior convictions under these statutes; empowers the court to include at least five years of probation as part of a sentence for a conviction involving 25 or more animals or three or more prior convictions; establishes first, second, and third degrees of killing and torture of an animal under MCL § 750.50b; and increases the maximum penalties for first- and second-degree offenses.

HB 4333 revises the Code of Criminal Procedure regarding sentencing guidelines for animal neglect or cruelty and regarding the scoring requirements for several offense variables, which will provide for potentially increased sentences.

### ***Breeders<sup>1</sup> and Pet Shop Operators***

Bringing pet shops and breeders explicitly within the scope of MCL § 750.50 is important for a number of reasons. Both pet shops and breeders are capable of possessing large numbers of animals. They may have those animals in their possession for a prolonged period of time. If a pet shop operator or a breeder is not caring for animals appropriately, that means that large numbers of animals are suffering for long periods of time.

Pet shops and breeders are not regularly inspected by the Michigan Department of Agriculture and Rural Development (MDARD). Law enforcement needs additional options for handling these types of operations when animals in the custody of pet shops or breeders are being mistreated.

The creation of a felony offense for breeders and pet shop operators with five or more convictions under MCL § 750.50 is a particularly important enforcement tool. MHS assisted law enforcement in closing a pet shop with a long history of violations. Repeated tickets issued to the operator had no impact on his operations. But the prospect of a felony violation after five convictions could serve as a significant enforcement tool and even a deterrent.

In addition to the animals' suffering, humans may also be impacted when a pet shop operator or breeder neglects the animals in his or her care. If members of the public acquire animals that have been mistreated by a pet shop or breeder, they could find that such neglect could cause health or behavior problems that will persist in the animal's new home. This can result in a significant financial burden and stress for the new owner who is left trying to undo whatever lasting damage may have been done.

### ***Hoarders***

Law enforcement also requires additional resources to deal with animal hoarders. Such cases involve a large number of animals, and there is a high recidivism rate among the defendants. The increased penalties for cases involving more than 25 animals or after three or more prior convictions give prosecutors and courts latitude in deciding how to handle such situations.

### **HB 4332 and HB 4333 Will Protect People and Animals**

The introduction of first- and second-degree killing and torture of an animal to MCL § 750.50b will enable prosecutors and the courts to better protect the public from those who commit a form of animal abuse most closely linked to violence against humans – animal abuse in domestic violence situations where animals are used as pawns to control a person or instill fear.

Decades of research have substantiated the connection between animal abuse and human violence. Serious academic research that produced well-documented and reliable studies regarding what came to

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<sup>1</sup> With regard to the definition of "breeder" in the current bill draft, we would recommend changing the language slightly to define a breeder as "a person who breeds animals other than livestock for the purpose of remuneration." The current definition, which refers to "making a profit," would present a much more difficult scenario for prosecutors to prove.

be known simply as "The Link"® started in the mid-twentieth century. The statistics resulting from this research are sobering. For example, a 1998 study indicated that "71 percent of [women seeking shelter at a safe house] having pets affirmed that their partner had threatened, hurt or killed their companion animals, and 32 percent of mothers reported that their children had hurt or killed their pets."

It is estimated that in the U.S., humans share their homes with 70-80 million dogs and 74-96 million cats. Almost half of all households in the United States have a dog, and about a third have a cat. A Harris poll revealed that more than 9 out of 10 pet owners surveyed said that they considered their pets to be family members. Abusers understand the strong feelings their victims have for their pets, and they will often threaten, abuse, or even kill pets in order to control their victims.

**MHS respectfully requests that the House Law & Justice Committee vote in favor of HB 4332 and HB 4333, which would strengthen Michigan's anti-cruelty and anti-neglect statutes and provide law enforcement, judges, and prosecutors with the tools they need to effectively address crimes against animals.**

Thank you very much for your time and consideration.